

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

KEVIN WILTSHIRE,

Defendant.

**ORDER**

14 CR 768-8 (VB)

By motion dated March 9, 2023, defendant Kevin Wiltshire seeks a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(1)(A)(i).

The government is directed to file a response to the motion by April 4, 2023. The government's response shall address the issue of exhaustion as well as the merits of the motion.

If defendant wishes to file a reply to the government's submission, he shall do so by no later than April 25, 2023.

Defendant has also requested appointment of counsel, which is denied without prejudice as unwarranted. "[A] defendant filing a compassionate release motion [under 18 U.S.C. § 3582(c)(1)(A)] . . . has no constitutional or statutory right to the assistance of counsel." United States v. Fleming, 5 F.4<sup>th</sup> 189, 192 (2d Cir. 2021). "The appointment of [Criminal Justice Act] counsel at this stage rests in the court's sole discretion." Id. at 194 n.4. Here, defendant has submitted a detailed motion, including attachments, and the issues presented by the motion are not complex. Accordingly, the Court sees no reason to appoint counsel at this time.

Chambers will mail a copy of this Order to defendant at the following address:

Kevin Wiltshire, Reg. No. 71994-054  
USP Canaan  
U.S. Penitentiary  
P.O. Box 300  
Waymart, PA 18472

Dated: March 14, 2023  
White Plains, NY

SO ORDERED:



Vincent L. Briccetti  
United States District Judge